

From: Allen, Justin A. justin.allen@ogletree.com
Subject: Midkiff v. Navient - Discovery Update [ODNSS-UGL.003445.000368]
Date: April 2, 2021 at 4:05 PM
To: Cento Law cento@centolaw.com
Cc: Travis Cohron tcochron@clarkquinnlaw.com, Martin, Bonnie L. Bonnie.Martin@ogletreedeakins.com

Counsel,

This email is sent as a comprehensive update on the various discovery items you have identified over the past few weeks. Our responses to your inquiries are below.

1. **All of the Assignments, including all the notes, description and backend check list fields for each Assignment.**
 - **NSL Response:** These were produced last week [NSL001069-NSL001114]. The term “backend check list fields” is not a term of art or a formal term used by NSL. Mr. Schatz used the term (or something similar) to describe the information under the “Tasks” checklist tabs, which were included in the screenshots we produced last week. We have produced to you the screens the fraud investigators see when logged in to “Fraud Tracker.”
2. **All of the notes in Fraud Tracker which have not yet been produced related to both Plaintiff and Plaintiff’s brother.**
 - **NSL Response:** These were produced last week. Same comments as #1 above.
3. **All the notes from the CLASS system related to Plaintiff.**
 - **NSL Response:** The CLASS system notes were produced on February 3, 2021 [NSL000007-NSL000067]. We have confirmed with our client that no other CLASS notes exist.
4. **The documents which show the login allegedly made by Plaintiff, including the documents which show the IP address from which Plaintiff allegedly logged in.**
 - **NSL Response:** We are awaiting an update from our client on this and will update you on Monday.
5. **The Lexis report allegedly pulled during the processing of Assignment 38274.**
 - **NSL Response:** NSL has conducted an additional search for responsive reports and has not located any. All Lexis reports have previously been produced. [See NSL000863-NSL000867]
6. **Please send the investigator names and contact information.**
 - **NSL Response:** The name of the outside contractor that handled the ACDVs is Teleperformance Philippines. The names of the individual employees who were involved are included in the attached table. Per our conversation last week, we have also confirmed that Teleperformance does not have any documents or communications beyond those already produced from NSL’s files.
7. **30(b)(6) witness availability.**
 - **NSL Response:** NSL is designating Brad Jones, Director – Credit Bureau Management as its corporate representative in response to Plaintiff’s 30(b)

(6) notice. He is available for deposition on April 30. Please confirm whether that date works for you.

Mr. Jones is one of the leaders within NSL's credit bureau team, and he is highly qualified to speak on NSL's behalf with respect to topics related to credit bureau processing. As a reminder, none of NSL's employees had any involvement with processing any of the ACDVs, and therefore have no personal knowledge of this matter. Any information Plaintiff would seek in a fact witness deposition of a member of NSL's "credit bureau processing team" can be obtained from Mr. Jones at the 30(b)(6) deposition. Thus, any 30(b)(1) deposition of another employee in the "credit bureau processing team" would be duplicative, unnecessary, and highly inefficient, and therefore disproportional to the needs of the case under Rule 26(d)(1).

If you'd like to have a meet and confer to discuss any of these items or the 30(b)(6) objections, I am available on Monday for a call.

Thanks,

Justin A. Allen | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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ACDV #	Control #	IDT #	Employee #	Employee Name
1	99990008036855101	26615369	c55085	Dominic Barwela
2	0643797232001	26771519	c55085	Dominic Barwela
3	403131049010001	26615202	c55085	Dominic Barwela
4	99990059077557014	27801145	c36221	Rowena Estabillo
5	0379006459001	27772990	c36221	Rowena Estabillo
6	403131049014001	27718170	c36221	Rowena Estabillo
7	1185532697001	28109023	c53051	Angelique Alintog
8	403131049017001	27951573	c53051	Angelique Alintog
9	1058589576001	29907740	c49207	Gemma Rica Buccat
10	403131049022001	30108697	c55547	Jennifer Abance
11	1202701174001	31566259	c50596	Alpha Langpawen

